

EPA Region III

Office of Public Affairs

EARLY BIRD HEADLINES

Tuesday, September 11, 2012

*** MORNING HOT LIST ***

EPA withholds aid until Va. improves Chesapeake Bay

NORFOLK VIRGINIAN-PILOT The U.S. Environmental Protection Agency is withholding \$1.2 million in grant money from Virginia because the state is not doing enough to combat a key pollutant as part of the Chesapeake Bay cleanup. It is one of the first times the EPA has withheld federal money from a state involved in the Bay initiative and comes just months after Gov. Bob McDonnell's administration announced that it was making great strides in helping the Bay. Virginia was supposed to receive more than \$2.4 million this year in federal aid to help implement a more aggressive approach toward restoring the Bay as pushed by President Barack Obama. But citing a lack of progress in addressing federal concerns over how the state intends to curb stormwater pollution from city streets, parking lots and urban storm drains, the EPA is shelving half the money. Virginia can apply for the rest if improvements are made. The EPA informed the state of its decision late last month, according to an internal email obtained by The Virginian-Pilot. The move was confirmed Monday by federal and state officials. Stormwater runoff is the No. 1 source of new pollution in the Bay. It occurs every time it rains, carrying materials left on the ground - fertilizers, chemicals, spilled oil and fuel, loose dirt, debris - to streams and creeks that feed the troubled estuary. Runoff from cities, lawns, farms and unprotected development sites are targeted under a federally inspired "pollution diet," which seeks to install clean-water safeguards throughout the six-state Bay watershed over the next 20 years. The campaign is being fought by political conservatives, farmers and developers, among others, who say it costs too much and is too burdensome during the recovery from a recession. At least two federal lawsuits are pending. State officials said Monday that they were taken aback, but not especially worried, by the EPA's funding action, noting that they have been working to correct shortcomings in their stormwater program for months. "We were like, 'Whoa, wait, we're working on it,'" said Gary Waugh, a spokesman for the Virginia Department of Conservation and Recreation, the state agency that regulates stormwater pollution and its many sources.

Shale impact fees surpass estimates

PITTSBURGH POST GAZETTE Drillers paid \$197.6 million to the state; some disputed payments pending. HARRISBURG -- Pennsylvania drillers paid \$197.6 million in the first round of Marcellus Shale impact fees, exceeding legislative estimates even as officials seek to resolve some disputed payments. Figures released Monday by the state Public Utility Commission break down those collections by operator, showing that most paid by last week's deadline. According to the agency's calculations, 4,453 wells are liable for the fee this year, which is assessed on those drilled through December 2011. That figure includes 4,034 horizontal wells, which are charged according to a larger fee scale starting at \$50,000. Another 419 vertical wells, which tend to be shallower and less productive, were charged \$10,000 each. Combined, their payments surpassed the \$180 million

projected for the fee's first round of collections, and could rise to nearly \$206 million in the final tally. Those involved in crafting the fee, which was created as an alternative to the natural gas severance tax that failed to become law under Democratic Gov. Ed Rendell, said they hit their mark. "It's been a success," said Senate President Pro Tem Joe Scarnati, the Jefferson County Republican who first floated the idea of a per-well fee in late 2010. "The impact fee has not had a negative impact on the industry."

Obama vs. Romney: Where their energy policies differ

WASHINGTON POST Here are some of the highlights of the energy positions of Mitt Romney and President Obama. There are similarities. Both candidates favor expanded oil and gas drilling and support the development of natural gas resources, even with the use of controversial hydraulic fracturing techniques. Obama says he favors an "all of the above" strategy and wants to further reduce U.S. reliance on foreign oil. Romney says he would aim for "North American energy independence," leaning heavily on increased imports from Canada and higher U.S. output. But they part ways in many important respects:

...Romney: Strip the Environmental Protection Agency of the power to regulate carbon dioxide, a greenhouse gas that the Supreme Court has ruled part of the agency's Clean Air Act mandate. ...Remove obstacles and EPA regulations that Romney says are impeding the development of coal.

Obama: ...Would maintain the EPA's power to regulate carbon dioxide emissions, though the EPA has not yet exercised such authority. ...Seek to reduce greenhouse gas emissions from fossil fuels because of climate change concerns. The EPA has negotiated agreements with some utilities to close down aging coal plants, many of which have been replaced by natural gas-fired plants...Obama supports the use of hydraulic fracturing in drilling, but seeks federal safety standards. The EPA, in conjunction with major exploration companies, has drawn up environmental guidelines. Romney favors letting states regulate hydraulic fracturing.

Maryland energy chief heads to DC

BALTIMORE SUN A top O'Malley administration energy official has left Annapolis, where he's had mixed success pushing for wind and solar projects, for the fiercer political winds of Washington. Malcolm D. Woolf, director of the Maryland Energy Administration for the past five years, has joined "Advanced Energy Economy," a new national business association that seeks to promote energy efficiency as well as wind, solar and nuclear power. As the group's vice president for government and regulatory affairs, he said he expects to spend time advocating for favorable policies in Washington and in state capitals. Woolf's move to DC is a return of sorts. Before joining the state, according to a bio on his new employer's website, he had worked for the National Governor's Association and as counsel to the Senate Environment and Public Works Committee. Reflecting on his tenure, Woolf said in a public farewell email that in recent years Maryland "has cemented its reputation as one of the top clean energy states in the nation." He credited Gov. Martin O'Malley for having the vision and willingness to fight for "clean energy." Of course, O'Malley's biggest fight is one he has lost twice now, failing for two years running to persuade state lawmakers to spur development of industrial-scale wind turbines off the Atlantic coast. The initiative has run into stiff opposition from an odd combination of conservative Republicans skeptical of government subsidies and of liberal Democrats leery of anything that might raise electricity rates for the poor. Without mentioning that stumble, Woolf said that the administration has made "remarkable progress" in shifting the state toward clean energy. Leading his list of "real results" is Maryland's ranking as one of the leading states in pursuing energy efficiency and promoting development of solar energy.

Marcellus Shale impact fee generates more than expected, even with 4 percent of bills unpaid

HARRISBURG PATRIOT NEWS Most of the Marcellus Shale drilling companies have paid what they owe under Pennsylvania's new impact fee for wells, according to information released Monday by the Public Utility Commission. The PUC billed companies \$205.9 million and has received \$197.6 million. That's a 96 percent payment rate for wells drilled in 2011; Companies have until next year to pay for wells drilled in 2012. The impact

fee was enacted instead of a severance tax. It is charged on a sliding scale according to age of the well and the market price of natural gas. Under the law 60 percent of the revenue after administrative costs will be returned counties and municipalities; the rest will fund statewide initiatives including the repair of roads and bridges. The more than \$8 million in fees remaining unpaid is attributable to 17 companies that have not paid what they owe as well as to wells that the other 41 drilling companies are contesting, claiming the wells should not be subject to the fee. The largest unpaid bill - more than \$3 million, accounting for more than half of the amount owed by the impact fee scofflaws - is owed by Carrizo Marcellus, LLP, a subsidiary of Carrizo Oil & Gas Inc. of Houston, Texas.

PENNSYLVANIA

PHILADELPHIA INQUIRER

Natural-gas firms have paid nearly \$200 million under Act 13 Natural-gas companies have paid nearly \$200 million to Pennsylvania's Public Utility Commission to meet the requirements of the impact fee imposed by Act 13. The PUC released the numbers Monday, 10 days after the deadline for companies to send checks. When the legislation was being debated, lawmakers came up with an initial estimate of \$180 million in revenue. The current tally, however, shows \$205.9 million owed and \$197.6 million paid. Some companies are disputing the amount they owe; others have not responded to letters and reminders from the commission, PUC spokeswoman Jennifer Kocher said. The Marcellus Shale Coalition, an industry group, termed the amount "staggering by any measure." "At a time when budget shortfalls are stretching state and local governments to their limits, responsible American natural-gas production is helping to support tens of thousands of good jobs and providing enormous, much-needed revenues for critical services," said Kathryn Klaber, coalition president. Nevertheless, she said, the amount "serves as a stark reminder that we must ensure that we have commonsense policies in place, especially local zoning uniformity, at the center of Act 13, which encourage economic growth, job creation, and additional revenue." George Jugovic Jr., president and CEO of the environmental group Citizens for Pennsylvania's Future, said the roughly \$200 million "doesn't look like that much" if all of the potential impacts of gas drilling are taken into account. Considering an estimated \$3 million to \$8 million per mile to build a two-lane rural road, he said, the amount "doesn't seem to be such a large pot from which to draw money to compensate for impacts of the industry." "Of course, that assumes that the real intent of the fee was to address many of the impacts, and I don't think that was the real intent," Jugovic said. "The end game was a political compromise." Statewide, 4,034 horizontal wells and 419 vertical wells fell under the Act 13 provisions, signed into law Feb. 14.

PITTSBURGH POST-GAZETTE

Shale impact fees surpass estimates Drillers paid \$197.6 million to the state; some disputed payments pending. HARRISBURG -- Pennsylvania drillers paid \$197.6 million in the first round of Marcellus Shale impact fees, exceeding legislative estimates even as officials seek to resolve some disputed payments. Figures released Monday by the state Public Utility Commission break down those collections by operator, showing that most paid by last week's deadline. According to the agency's calculations, 4,453 wells are liable for the fee this year, which is assessed on those drilled through December 2011. That figure includes 4,034 horizontal wells, which are charged according to a larger fee scale starting at \$50,000. Another 419 vertical wells, which tend to be shallower and less productive, were charged \$10,000 each. Combined, their payments surpassed the \$180 million projected for the fee's first round of collections, and could rise to nearly \$206 million in the final tally. Those involved in crafting the fee, which was created as an alternative to the natural gas severance tax that failed to become law under Democratic Gov. Ed Rendell, said they hit their mark. "It's been a success," said Senate President Pro Tem Joe Scarnati, the Jefferson County Republican who first floated the idea of a per-well fee in late 2010. "The impact fee has not had a negative impact on the industry."

South Fayette sees 'malicious intent' by PUC in review of local shale law. HARRISBURG -- South Fayette officials say the state review of their drilling ordinance shows "malicious intent" and should be suspended until

Pennsylvania's top court has ruled on the pending Marcellus Shale appeal. The township was notified by the state Public Utility Commission late last month that South Fayette resident William Sray asked the agency to review his town's drilling rules. The PUC is tasked under the new Marcellus Shale law, known as Act 13, with determining whether local drilling ordinances fall within state parameters for what municipalities can and cannot regulate. Municipalities with drilling rules deemed unacceptable are ineligible for the impact fee dollars that drillers now must pay annually. A portion of the law related to zoning was overturned in Commonwealth Court, but the agency has begun ordinance reviews under sections of the law that appear to remain in effect. In a filing dated Friday, attorneys for South Fayette, which was part of the legal challenge to Act 13, responded to the agency's notification. They disputed the PUC's decision to begin reviewing ordinances and pointed to comments from agency officials before the July court ruling in which they said the pending litigation created too much uncertainty to judge ordinances. "Although portions of Act 13 have now been declared unconstitutional and despite the increased uncertainty of the pending appeals in the Pennsylvania Supreme Court, the PUC has nevertheless inexplicably chosen to reverse its prior policy of restraint and has commenced its zoning ordinance reviews by reviewing the zoning ordinances of two of the municipal petitioners," the attorneys wrote. They continued: "This punitive action of the PUC evidences malicious intent and is indicative of professional persecution." The attorneys argued that the agency, which also is reviewing a drilling ordinance in Robinson, Washington County, is unable to be objective due to its "aggressive stance" against the municipalities in their lawsuit.

In the war on malaria, a new tactic on mosquitoes Reducing cases of malaria worldwide involves a scientific conundrum: How do humans control pervasive mosquitoes that are evolving a resistance to insecticides and also carrying an infective parasite that's showing a resistance to antibiotics? Natural adaptation continues countering defensive measures people take to control the world's most infectious disease, which plagues people living in or traveling to Africa, Central and South America, the Middle East and southern Asia, particularly India.

WJAC-TV JOHNSTOWN

Slow down in drilling industry noticed in local municipalities CLEARFIELD COUNTY, Pa. — The Marcellus Shale industry has played a key roll in economic development in Clearfield County over the last few years. It was back in 2008 when the industry took off throughout the commonwealth. According to the Department of Environmental Protection, in 2008 there were six wells drilled in Clearfield County. A year later that number more than tripled to 23 wells. In 2010, DEP reports there were 39 wells drilled. During 2011, there were 58 wells drilled in the county. So far this year, DEP is reporting that only 18 wells have been drilled in Clearfield County so far. Officials in Clearfield County told 6 News that number seems low for this time of year, and they credit that to the slow down in the industry. Currently, the cost of natural gas is significantly low, which in turn is not very profitable for Marcellus Shale companies. Glenn Johnston, Lawrence Township supervisor told 6 News that he believes industry workers went west toward Ohio to drill Utica shale. Lawrence Township has the most wells drilled than any area in Clearfield County. Johnston said that the industry has helped with economic development, and it has boosted the economy in multiple ways. He is hopeful that industry workers will return to the area. Bob Shaffer, manager at the DuBois Regional Airport told 6 News that traffic at the airport is low compared to last year. Shaffer said that it may be because of the slow down in the industry. Shaffer said not only has the gas industry been beneficial for the local economy, but he said it is also booming at the airport. Currently, a second Marcellus Shale company is setting up shop on the airport's property. He said that the airport is an area of interest for companies because of the close proximity to the interstate. Shaffer is also hoping that more drilling will start soon.

HARRISBURG PATRIOT NEWS

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60 percent of the revenue after administrative costs will be returned counties and municipalities; the rest will fund statewide initiatives including the repair of roads and bridges. The more than \$8 million in fees remaining unpaid is attributable to 17 companies that have not paid what they owe as well as to wells that the other 41 drilling companies are contesting, claiming the wells should not be subject to the fee. The largest unpaid bill - more than \$3 million, accounting for more than half of the amount owed by the impact fee scofflaws - is owed by Carrizo Marcellus, LLP, a subsidiary of Carrizo Oil & Gas Inc. of Houston, Texas.

READING EAGLE

Berks County poet laureate explores gas drilling in the Marcellus shale Craig Czury travels up and down Route 29 between the towns of Montrose, Susquehanna County, and Tunkhannock, Wyoming County, putting his thumb to work for ride after ride from gas workers and those who live around the area. With his Marcellus Journal always tucked into his pocket, Czury waits until after he says thanks for the lift before he writes down potential lines for poems. Last summer, Czury, the Berks County poet laureate, began his research for an under-wraps kind of project after taking a second home in Springville, Susquehanna County, exploring how natural gas drilling fits into the lives of those seeing it happen around them every day in the Marcellus shale region. Czury's two-year laureateship term ends in October. In 2011, Czury received a \$3,000 grant for Common Ground: A Community Conversation about Natural Gas in Northeastern Pennsylvania. It is a partnership program of Keystone College, Countryside Conservancy, North Branch Land Trust, Cabot Oil and Gas, Summerhouse Grill and Springville Schoolhouse Art Studios. This year, he earned the \$15,000 F. Lammot Belin Arts Scholarship through the Waverly Community House in Waverly, Lackawanna County. Originally from Luzerne County's Back Mountain region of Wilkes-Barre, Czury is conducting his research about a half-hour from where he grew up. He tracks the time of day, what the weather is like, the cloud formations he sees, whom he's with or observing and what people around him are doing at that particular moment. The latest scholarship Czury received is intended to keep him moving forward through his "Thumb Notes Almanac" with eventual magazine publication and a book that will follow once his interviews are complete. "My 'Thumb Notes Almanac' is a poem fusion of observations and voices of the people who have picked me up while I'm hitchhiking," Czury said.

POTTSVILLE REPUBLICAN HERALD

Christmas trees feeling the heat this year ORWIGSBURG, Pa. -- As Bill Fetherolf, co-owner of Pioneer Tree Farm, walked along a row of knee-high drought-damaged Frasier fir trees on Aug. 22, drops of rain began to fall. Mother Nature is unpredictable and, at times, ironic. "I wish we had some of these nice showers coming through back in April, May or June. For small trees, it was a wicked summer. ... Hey, here's a survivor tree!" Mr. Fetherolf said. Then he stooped down and cleared some grass away from a 2-foot-high green Frasier fir, the only green tree in a line of rust-brown. Of the 1,000 trees planted on the acre he was walking, only 3 percent survived. "They cost about \$2.25 each. Total for the acre, about \$2,250, just in this one little field. It hasn't been an easy year. Collectively this year, I planted about 10,000 trees," Mr. Fetherolf said. He estimated about 50 percent of the young trees transplanted on his farm died. Hot weather and dry conditions this summer severely damaged younger trees across the state and the nation. But it didn't hurt this year's Christmas tree crops, according to Rick Dungey, public relations manager with the National Christmas Tree Association based in Chesterfield, Mo.

STATE IMPACT PENNSYLVANIA

Pennsylvania's Impact Fee Will Generate More Than \$200 Million Pennsylvania has collected \$197 million in impact fee revenue, and will take in nearly \$206 million, once 23 energy companies pay the outstanding balances they owe the state. The \$206 million figure, released by the Public Utility Commission Monday afternoon, mirrors predictions StateImpact Pennsylvania made in February, when the \$50,000-per-horizontal well payment scheme was finalized. Drillers were required to submit impact fee payments to the Public Utility Commission by September 3. One week later, the agency released information about how much revenue it collected. Chesapeake Energy had to cut the largest check: it paid \$30.8 million for the 624 wells it drilled before January 1, 2012. Talisman Energy (\$26.4 million), Range Resources (\$23.7 million), Shell (\$15.3 million), and Anadarko (\$14.9 million) rounded out the rest of the top five. All of the companies except Shell have paid their fee in full, though Shell owes

just \$10,000. In all, the state will collect payments from 58 companies. All but 22 have paid the full balance owed. Texas-based Carrizo Oil and Gas has the largest outstanding balance, at \$3.05 million. The company says in a statement that it sent a check to the PUC via certified mail on September 6, adding the PUC does not accept wire transfers. PUC spokeswoman Jennifer Kocher says the commission does, in fact, accept transfers, and many other drillers paid their fee that way. Several companies are holding off on payments because they're challenging their fee assessments. If you look at the table at the bottom of this post, you'll see eight companies have outstanding balances of \$10,000, and one has not paid \$20,000. These are payments for smaller, vertical Marcellus Shale wells. The companies contend their wells do not produce the minimum fee threshold of 90,000 cubic feet of gas each day. "We have said that's fine," explained Kocher. "But you have to prove it to us that you're not meeting those production levels. So we have some producers who are in the process of doing that, and that may fluctuate that number."

Natural Gas Cars Get a Boost From Obama's New Fuel Standards Obama's new fuel-efficiency standards, which would increase the average fuel economy of new vehicles to 54.5 mpg by 2025, include incentives for automakers to build electric and fuel-cell powered cars. Natural gas powered vehicles are also on that list. But as Politico reports, that wasn't always the case.

Cuomo: No Decision on Fracking New York State Those waiting for New York Gov. Andrew Cuomo to make a decision on gas drilling regulations and lift the state's drilling moratorium may have a long wait ahead of them. Cuomo says even once he does release new rules, he expects lawsuits from both sides to hold up a shale gas boom in the Empire State.

More Gas "Plumes" Documented In Bradford County Some of the consequences of stray methane leaking from natural gas wells are easier to spot than others. Overflowing water wells and bubbling methane puddles are easy to document. But methane plumes are odorless and invisible, so you need some sophisticated equipment to track it. Equipment like the "portable laser-based methane measurement system and combustible gas indicator" that Gas Safety, Incorporated's Bob Ackley used to document methane plumes near Leroy Township, Bradford County, on July 25. Ackley was in Bradford County to track the methane migration problems StateImpact Pennsylvania has been reporting on for several months. On May 19th, natural gas began seeping out of Chesapeake Energy's Morse well. The gas has been bubbling into a nearby stream, and onto at least two families' property, ever since. Click on the articles in the adjoining box for details on how the leak happened, and how it's affected the people who live nearby. When Ackley brought his equipment to Leroy Township on July 25, he found two plumes of gas in the air – one stretching more than 10 miles. He also documented pockets of gas under the ground, and documented elevated methane levels in one family's home.

ASSOCIATED PRESS (Pa.)

Pa. drilling impact fee raises more than \$200M HARRISBURG, Pa. (AP) — Pennsylvania's new "impact fee" on gas drillers has raised more than \$200 million. A state law signed in February imposes the fee on energy companies exploring the Marcellus Shale gas field. Drillers must pay \$50,000 for each horizontally drilled well and \$10,000 for each vertical well. The Public Utility Commission says the fee raised nearly \$206 million from nearly 4,500 wells. Of that, the drillers have paid nearly \$198 million. The state will take about \$25 million. Sixty percent of what's left will be split among 37 counties and hundreds of municipalities hosting gas wells. They can use it to fix roads, bridges and other infrastructure, restore water supplies and buy equipment for first responders, among other expenses. The rest will be split among state agencies dealing with drilling impacts.

Insurer ordered to pay over sticky turnpike spill PITTSBURGH - A federal judge says a trucking company's insurer must cover some of the claims associated with the spill of a sticky goo over a 40-mile stretch of the Pennsylvania Turnpike last year. U.S. District Judge Joy Flowers Conti said Friday Hallmark Specialty Insurance Company must pay for all non-pollution related claims against MTS Transport over the Nov. 22 spill that hampered Thanksgiving travel plans for many motorists. A tanker hauling asphalt flux spilled the substance over a long stretch of the turnpike in western Pennsylvania, from New Castle to Oakmont. An estimated 1,000 vehicles were damaged by the

tar-like goo. Stevensville, Md.-based MTS said a \$1 million insurance plan wasn't enough to cover all the claims and Hallmark had refused to pay out on a \$4 million excess liability policy.

WASHINGTON, D.C.

WASHINGTON POST

Obama vs. Romney: Where their energy policies differ Here are some of the highlights of the energy positions of Mitt Romney and President Obama. There are similarities. Both candidates favor expanded oil and gas drilling and support the development of natural gas resources, even with the use of controversial hydraulic fracturing techniques. Obama says he favors an "all of the above" strategy and wants to further reduce U.S. reliance on foreign oil. Romney says he would aim for "North American energy independence," leaning heavily on increased imports from Canada and higher U.S. output. But they part ways in many important respects:

...Romney: Strip the Environmental Protection Agency of the power to regulate carbon dioxide, a greenhouse gas that the Supreme Court has ruled part of the agency's Clean Air Act mandate. ...Remove obstacles and EPA regulations that Romney says are impeding the development of coal.

Obama: ...Would maintain the EPA's power to regulate carbon dioxide emissions, though the EPA has not yet exercised such authority. ...Seek to reduce greenhouse gas emissions from fossil fuels because of climate change concerns. The EPA has negotiated agreements with some utilities to close down aging coal plants, many of which have been replaced by natural gas-fired plants...Obama supports the use of hydraulic fracturing in drilling, but seeks federal safety standards. The EPA, in conjunction with major exploration companies, has drawn up environmental guidelines. Romney favors letting states regulate hydraulic fracturing.

DELAWARE

WILMINGTON NEWS JOURNAL

Delmarva asks to cut gas rate MILLSBORO -- Delmarva Power has filed for a 14.4 percent decrease in natural gas prices for this winter, reflecting continued downward price pressure from plentiful supplies boosted by fracking of shale deposits. The proposed cut would translate to a savings of \$23.79 a month for the average customer, the utility reported in its filing to the Public Service Commission on Sept. 4. For several winters, natural gas prices have been far lower than their 2008 peak. But the utility did not collect enough revenue from customers during the warm winter of 2009-10 to meet its profit targets, so it compensated during the last two winters, limiting the amount customers saved. Delmarva also undercollected last winter, which was also warm. Recovering the difference is worked into this winter's proposed price, said Delmarva spokesman Bill Yingling. But the commodity cost is even lower this year, which resulted in lower overall price, he said. The company also bought hedges on natural gas when the price was higher, and those are expiring, Yingling said. The average monthly bill for a customer using 120 centi-cubic feet of natural gas a month would decrease from \$165.61 to \$141.82. The adjustment is scheduled to take effect Nov. 1, pending PSC approval. The current rate for natural gas customers is 88.804 cents per ccf. The proposed charge is 68.967 cents per ccf.

New bike path opens

DELAWARE CAPE GAZETTE

It's grape harvest time at Nassau Valley Vineyards Lewes — While dry, hot weather may not be great for most Sussex County crops, those conditions are nearly ideal for growing grapes at Nassau Valley Vineyards near Lewes. Every year after Labor Day, the vineyards come to life with the annual two-to- three week harvest. On Sept. 5, a crew was in the vineyards harvesting Chardonnay grapes to make white wines. Chardonnay, which originated in the Burgundy region of eastern France, is one of the most widely planted grape varieties in the world but has been grown in the United States only since the 1940s and 1950s. Nassau Valley Vineyards' wine maker Mike Reese said

he has been watching the grapes grow every day. "Now I get to work with them every day," he said. Nassau Valley Vineyards has an interesting history as the first and largest vineyard in Delaware. Peggy Raley-Ward and her father, Bob, had an idea to turn a portion of the family farm into a vineyard but were prohibited by state law from doing so. Not to be deterred, Peggy went to Dover and lobbied for the Farm Winery Law, which was passed in 1991. The family vineyards opened in 1993.

WEST VIRGINIA

CHARLESTON GAZETTE

Emergency drill scheduled at UC on Wednesday CHARLESTON, W.Va. -- Local law enforcement and other agencies are staging a mock emergency Wednesday at the University of Charleston. The drill is designed to test the ability of university staff and local agencies to respond to emergencies and uncover possible areas of improvement. Students and employees have already been informed about the drill. Access to the campus will be limited during the drill and traffic may be diverted on MacCorkle Avenue. The exact time of the drill is being kept secret, but will happen sometime after 8 a.m.

Blog: Remembering the 'Keeper of the mountains' Word came in last night from various environmental groups that Larry Gibson had died. This terribly sad news was confirmed on the Keeper of the Mountains blog:

CHARLESTON DAILY MAIL

Editorial: Lets hope W.Va. Water will step in at Pratt The town of Pratt and its municipal water system owe \$130,000 to the Internal Revenue Service and another \$32,000 to the West Virginia Consolidated Public Retirement Board. It's too much for a town of 600 people to carry. West Virginia American Water has in the past expressed interest in acquiring the system. Last week, Mayor Gary Fields agreed with the Kanawha County Commission that the town needs to sell. Pratt city council and town residents would have to approve a sale, but here's hoping it can be worked out. Moving forward is in area residents' best interests.

WBOY-TV

Energize West Virginia Hosts Marcellus Shale Program Energize West Virginia hosted a program for Bridgeport residents on Monday. The program included a film showing what Marcellus Shale drilling can offer the area and a panel of experts to address residents' concerns. It covered several aspects of natural gas drilling including hydraulic fracturing, horizontal drilling, and ground water protection. Energize West Virginia said its next meeting will be Tuesday, September 18th at the Wells Inn in Sistersville.

ASSOCIATED PRESS (W. Va.)

W.Va. Mine Officials Yank New Coal Dust Rules CHARLESTON (AP) - West Virginia officials have withdrawn two rules addressing what mine operators must do to tamp down explosive coal dust. Monday's decision follows a letter from Coal Mine Health and Safety board member raising concerns about their provisions. The rules focus on diluting coal dust with inert crushed rock. Coal dust played a role in the worst U.S. coal mining disaster in four decades. Twenty-nine men died in the 2010 explosion at West Virginia's Upper Big Branch mine. Board health and safety administrator Joel Watts urged the rules' disapproval in his Aug. 30 letter. That stance prompted questions from other board members. But not enough of them appeared Monday to conduct an emergency meeting on the subject. Mine officials argue that safety enforcement won't suffer while they revisit the proposed standards.

MARYLAND

BALTIMORE SUN

Maryland energy chief heads to DC A top O'Malley administration energy official has left Annapolis, where he's had mixed success pushing for wind and solar projects, for the fiercer political winds of Washington. Malcolm D. Woolf, director of the Maryland Energy Administration for the past five years, has joined "Advanced Energy Economy," a new national business association that seeks to promote energy efficiency as well as wind, solar and nuclear power. As the group's vice president for government and regulatory affairs, he said he expects to spend time advocating for favorable policies in Washington and in state capitals. Woolf's move to DC is a return of sorts. Before joining the state, according to a bio on his new employer's website, he had worked for the National Governor's Association and as counsel to the Senate Environment and Public Works Committee. Reflecting on his tenure, Woolf said in a public farewell email that in recent years Maryland "has cemented its reputation as one of the top clean energy states in the nation." He credited Gov. Martin O'Malley for having the vision and willingness to fight for "clean energy." Of course, O'Malley's biggest fight is one he has lost twice now, failing for two years running to persuade state lawmakers to spur development of industrial-scale wind turbines off the Atlantic coast. The initiative has run into stiff opposition from an odd combination of conservative Republicans skeptical of government subsidies and of liberal Democrats leery of anything that might raise electricity rates for the poor. Without mentioning that stumble, Woolf said that the administration has made "remarkable progress" in shifting the state toward clean energy. Leading his list of "real results" is Maryland's ranking as one of the leading states in pursuing energy efficiency and promoting development of solar energy.

SOUTHERN MARYLAND ONLINE

Benedict Revitalization Plan Receives Financial Assistance from NPS LA PLATA, Md. -- Charles County has received \$44,000 in financial assistance from the National Park Service (NPS) Chesapeake Bay Office for the Benedict Revitalization Plan Phase 1 completion. Building on the Benedict Waterfront Village Revitalization Plan, Charles County will work with partners and community members to complete schematic design of Phase 1 priorities from the Village Gateway to the Benedict waterfront, according to a county government press release. Design features will include a village gateway with signage and native plantings, a waterfront pedestrian pathway, a trail and boardwalk over wetland areas with site furnishings and interpretive signage, and a kayak launch. This project supports the Captain John Smith Chesapeake National Historic Trail and the Star-Spangled Banner National Historic Trail.

These enhancements are part of Charles County's efforts to commemorate the War of 1812 and to recognize Benedict's key role during the War. In August 1814, 4000 British troops landed in the tiny Southern Maryland village of Benedict and marched to Washington where they burning several public buildings including the nation's Capital. Charles County has also produced a new brochure commemorating Benedict's rich heritage. For copies of the brochure or more information contact Ms. Cathy Thompson, Community Planning Program Manager, at 301-396-5851 or [ThompsCA\(at\)CharlesCounty.org](mailto:ThompsCA(at)CharlesCounty.org). Citizens with special needs may contact the Maryland Relay Service at 711, or Relay Service TDD: 800-735-2258.

VIRGINIA

RICHMOND TIMES-DISPATCH

Commentary: What the uranium mining study said and did not say (Sunday) As a member of the National Academy of Sciences (NAS) uranium mining study panel, I spent more than 18 months as a volunteer preparing a report intended to objectively inform Virginia policymakers as they deliberate on whether to lift Virginia's 30-year moratorium on uranium mining. Regrettably, the report has been largely mischaracterized by the media and

Chesterfield residents sound off on draft comprehensive plan CHESTERFIELD, Va. -- If Monday night's public hearing on Chesterfield County's draft comprehensive plan is any indication, the controversy that surrounded its predecessor is mostly gone. The revised 200-plus-page document, currently being drafted by the county, was mostly embraced at the sparsely attended hearing held by the Planning Commission, although several speakers offered their suggestions to make improvements to specific parts. The plan will guide long-term land-use decisions in the county. Monday's hearing was a far cry from one in January when a previous draft was denounced resoundingly two weeks before it was ultimately rejected by the Board of Supervisors. Most of the 10 speakers Monday night praised the county staff for improving on the preceding version, but one speaker pointed out that no plan is going to be perfect. "I want to commend you for taking a bad thing and turning it around to make it a pretty good thing. It's not going to be perfect — no way," said Daren Gardner, a longtime county resident and outspoken opponent to the previous draft. "There are going to be changes in five years, you can bet on that. We as a county should be taking this kind of effort for everything that we do." The Planning Commission is expected to take action on the draft plan at its meeting next Tuesday. It next goes before the Board of Supervisors, which will hold another public hearing before members approve or reject the plan. On the whole, the business community spoke favorably of the draft plan, especially the county's renewed focus on revitalization.

NORFOLK VIRGINIAN PILOT

EPA withholds aid until Va. improves Chesapeake Bay The U.S. Environmental Protection Agency is withholding \$1.2 million in grant money from Virginia because the state is not doing enough to combat a key pollutant as part of the Chesapeake Bay cleanup. It is one of the first times the EPA has withheld federal money from a state involved in the Bay initiative and comes just months after Gov. Bob McDonnell's administration announced that it was making great strides in helping the Bay. Virginia was supposed to receive more than \$2.4 million this year in federal aid to help implement a more aggressive approach toward restoring the Bay as pushed by President Barack Obama. But citing a lack of progress in addressing federal concerns over how the state intends to curb stormwater pollution from city streets, parking lots and urban storm drains, the EPA is shelving half the money. Virginia can apply for the rest if improvements are made. The EPA informed the state of its decision late last month, according to an internal email obtained by The Virginian-Pilot. The move was confirmed Monday by federal and state officials. Stormwater runoff is the No. 1 source of new pollution in the Bay. It occurs every time it rains, carrying materials left on the ground - fertilizers, chemicals, spilled oil and fuel, loose dirt, debris - to streams and creeks that feed the troubled estuary. Runoff from cities, lawns, farms and unprotected development sites are targeted under a federally inspired "pollution diet," which seeks to install clean-water safeguards throughout the six-state Bay watershed over the next 20 years. The campaign is being fought by political conservatives, farmers and developers, among others, who say it costs too much and is too burdensome during the recovery from a recession. At least two federal lawsuits are pending. State officials said Monday that they were taken aback, but not especially worried, by the EPA's funding action, noting that they have been working to correct shortcomings in their stormwater program for months. "We were like, 'Whoa, wait, we're working on it,' " said Gary Waugh, a spokesman for the Virginia Department of Conservation and Recreation, the state agency that regulates stormwater pollution and its many sources.

Dominion seeks to extend energy-saving programs RICHMOND -- Dominion Virginia Power is asking state regulators for permission to expand two energy conservation programs. The Richmond-based energy provider said today it has asked the Virginia State Corporation Commission to extend the Smart Cooling Rewards program. The program reduces usage of electricity at peak times by turning customers' air conditioning units off and on for certain hours during periods of high electricity demand during the summer. Participating customers get a \$40 incentive after each summer cooling season. Dominion says the program has reduced peak demand by nearly 60 megawatts of power. That's equal to the output of a small generating station and the amount of power used by about 15,000 homes. The company also asked regulators to extend a program that offers home audits and repairs for qualifying low-income residents

NEWPORT NEWS DAILY PRESS

Living shorelines: Virginia landowners learning the value of manmade marshes and beaches Paula Hersh has lived on the water for years, and has the eroded shorelines and property damage to prove it. In 1996, Hersh said, Hurricane Fran eroded the bulkhead at her home in Mobjack Bay on the Middle Peninsula. In 2003, Isabel overrode the revetment armor on her embankment and took the house. In 2007, she moved to a new home on the North River in Mathews County, where today the erosion is so bad she said she's at her wits end over how to protect her property. Then she learned about living shorelines. Living shorelines have been used in Virginia for about 30 years, experts say, but today are still unknown among much of the general public. "A living shoreline," explained Jana Davis, executive director of the Chesapeake Bay Trust, "is the concept of using as many natural elements as possible to protect shoreline from erosion." The trust is part of a partnership with the National Oceanic and Atmospheric Administration and others that provides grants to construct living shorelines in Virginia and Maryland. Last week, it awarded more than \$800,000 to 16 projects, including three in Norfolk. Davis explains, instead of traditional hard bulkheads on the water or stone revetments covering an embankment to bear the brunt of waves and tidal surges, a living shoreline is a manmade marsh or beach that not only stabilizes stream banks and coastlines but also provides critical habitat for wildlife. High-energy areas with strong wave action or surges might also require an element of hard structure along the edge — such as the large beach and breakwater system at Yorktown — but low-energy areas, such as creeks, typically don't. Each living shoreline is tailored to its environment and its intended use. "The design is not entirely a science," Davis said. "There's a little bit of an art, as well." Hersh said her shoreline, for instance, will incorporate coir logs made of coconut fiber to form a stabilizing perimeter in the river. The space between the logs and the shore will be filled with sand and graded to provide the elevation needed for native plants to thrive. When the logs biodegrade in a few years, mature plants will hold the new shoreline in place.

ASSOCIATED PRESS (Va.)

Norfolk Southern locomotive derails in Va., spills fuel ROANOKE -- Norfolk Southern Corp. is cleaning up a 1,500-gallon diesel spill after a locomotive derailed in Roanoke. Spokesman Robin Chapman says the locomotive was one of three that went off the tracks about 4 a.m. today. One tipped, spilling the fuel. Chapman said there were no injuries as a result of the derailment. The locomotives were not hauling any rail cars when the derailment occurred. Chapman said Norfolk Southern is investigating the cause of the derailment. Rail company crews are cleaning up the spill and removing any contaminated soil.

Input sought on James River, Plum Tree refuges RICHMOND --The U.S. Fish and Wildlife Service is updating the comprehensive conservation plans for two wildlife refuges in Virginia. The agency will hold meetings this week to gather public input on the 15-year plans for the James River and Plum Tree Island national wildlife refuges. Meghan Carfioli with the Fish and Wildlife Service tells the Richmond Times-Dispatch that public input is essential to the planning process. Meetings on the James River refuge plan are scheduled for 2 p.m. and 6 p.m. Wednesday at the Prince George County Human Services Building. The Plum Tree Island refuge meetings are scheduled for 6 p.m. Thursday and 2 p.m. Friday in Poquoson.

Lack of progress costs Va. bay cleanup funds NORFOLK, Va. -- NORFOLK, Va. (AP) Virginia is losing federal aid for Chesapeake Bay restoration projects because regulators aren't satisfied with the state's efforts to address stormwater pollution. The Virginian-Pilot (<http://bit.ly/PkrA77>) says the Environmental Protection Agency notified the state late last month that it is withholding \$1.2 million in grant money. Virginia was supposed to receive more than \$2.4 million this year. The EPA cited Virginia's lack of progress in reducing stormwater runoff from city streets, parking lots and urban storm drains. If Virginia makes improvements, it can reapply for the funding. Virginia Department of Conservation and Recreation spokesman Gary Waugh says the state has been working to improve its stormwater program.

MISCELLANEOUS

BNA DAILY ENVIRONMENT REPORT

Industry Groups Sue EPA Over Greenhouse Gas Step 3 Rule A coalition of industry groups challenge an EPA rule that maintains the existing greenhouse emissions permitting thresholds. The lawsuit is filed in the U.S. Court of Appeals for the District of Columbia Circuit by the American Petroleum Institute, American Fuel & Petrochemicals Manufacturers, National Association of Manufacturers, and National Oilseed Processors Association. At issue is the third step of EPA's tailoring rule, which limits greenhouse gas permitting to the largest industrial sources

Industry, States Ask Interior to Reconsider Proposed Rule on Fracking The Interior Department's proposed rule on hydraulic fracturing on federal lands, which would require disclosure of chemicals used in fracking, would override the effective state practice of regulating drilling and should be withdrawn, a coalition of industry associations says in comments to Interior's Bureau of Land Management. The Interstate Oil and Gas Compact Commission, representing 38 state governments, similarly tells Interior the proposed rule would be duplicative and unduly burdensome and should be reconsidered.

EPA Lays Out Schedule for Monitoring for Drinking Water Contaminants Designated public drinking water systems must monitor for suspected unregulated contaminants during a consecutive 12-month period between Jan. 1, 2013, and Dec. 31, 2015, an Environmental Protection Agency official said Sept. 10. "EPA has established monitoring schedules for all [these] water systems," said Brenda Parris, an official in EPA's Office of Ground Water and Drinking Water, during a webinar to help water utilities and others implement the third unregulated contaminant monitoring rule. Parris was referring to water systems that have been selected to monitor for up to 30 contaminants in drinking water over the next three years.

Large systems, serving more than 10,000 people, can independently change their predetermined monitoring schedule by Nov. 29, 2012, after which they need to justify to EPA why they want to change it and wait for EPA's approval, she said. EPA already has drawn up schedules for monitoring by the designated utilities. Unregulated contaminants are pollutants suspected of being in drinking water for which EPA has not established a health-based standard. Monitoring for them helps EPA decide if there should be a standard.

EPA Considers Methods to Allocate Emissions for Fuel Standard EPA considers greenhouse gas emissions allocation methods by an ethanol producer that intends to import steam from a coal-fired power plant. Dakota Spirit AgEnergy petitioned EPA in October 2011 to determine if its ethanol would meet the life-cycle greenhouse gas emissions requirements of the renewable fuel standard, the agency says in a notice to be published today. EPA is seeking comments on the method to account for those greenhouse gas emissions.

ASSOCIATED PRESS

Norway to compensate industry for carbon emissions OSLO, Norway - Norway's government says it will create a carbon-emissions program to compensate domestic manufacturers, in the hope of dissuading them from moving their industries to countries with less stringent climate regulations. The government says that the European Union's Emission Trading Scheme, which Norway adopted in 2005, has led to an increase in energy prices and a reduction in the competitiveness of domestic enterprises. The EU's scheme allows for countries to compensate industry, and Norway's government says its own program will be based on calculation methods in the EU guidelines. The Norwegian program will go into force in July 2013 and last until 2020. Environment Minister Bard Vegar Solhjell said Tuesday in a statement that the program will combine "good climate policy with good industrial policy."

Mitt Romney, Republicans call for end to government help for struggling Amtrak WASHINGTON — Warning to Amtrak from Mitt Romney and Republicans: You're on your own. The platform Republicans adopted at their convention included a call for full privatization and an end to subsidies for the nation's passenger rail operator, which gobbled up almost \$1.5 billion in federal funds last year. "It is long past time for the federal government to

get out of the way and allow private ventures to provide passenger service,” the platform said, arguing that taxpayers dole out almost \$50 for every Amtrak ticket. Long a political cudgel in the halls of Congress, Amtrak is among a number of transportation functions Republicans say should be turned over to the private sector — including airport security, also on the chopping block in the GOP platform. At its core, the debate juxtaposes differing visions about what role government should play in ensuring public access to services — even if they’re losing money hand over fist.